

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

AUGUSTIN F. GRANADO, *Jr.*,

Plaintiffs,

v.

No. 23-cv-00176 JCH-KK

FNU GREY, *et al.*,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Augustin Granado's *Pro Se* Civil Rights Complaint. (Doc. 1). Granado is incarcerated at the Penitentiary of New Mexico. The opening Complaint consists of 271 pages, most of which appears in narrative form. *See* Doc. 1. The Complaint cites various federal causes of action; however, parts of the Complaint are illegible, and the factual basis for Plaintiff's suit is unclear. After filing the case, Granado filed over 30 supplemental motions, notices, appendices, and memoranda. (Docs. 2-20; 22-33; and 36-37). The supplemental filings include hundreds of additional pages and allegations regarding Granado's claims. On or about May 22, 2023, Granado also attempted to file a banker's box containing medical records and exhibits relating to emergency/injunctive relief. Pursuant to an Order entered May 23, 2023, the Clerk's Office returned the box without filing its contents, and Granado was permitted to file a single, 27-page motion for emergency or injunctive relief. *See* Doc. 21. In response, Granado filed at least three emergency motions, which contain over 240 pages of allegations and exhibits. *See* Docs. 30, 32, 33.

"It is not the role of ... the court ... to sort through a lengthy ... complaint and voluminous

exhibits ... to construct plaintiff's causes of action." *McNamara v. Brauchler*, 570 Fed. App'x 741, 743 (10th Cir. 2014) (citations omitted). *See also Pola v. Utah*, 2012 WL 292272, * 1 (10th Cir. Feb. 1, 2012) (rejecting complaint that "included everything but the kitchen sink"); *Baker v. City of Loveland*, 2017 WL 1485006, * 1 (10th Cir. April 26, 2017) (complaint is inadequate if it "lacks clarity about what each defendant allegedly did to incur liability"). The Court will therefore strike the Complaint, as supplemented, and grant leave to file a single amended complaint on the Court's official form within thirty (30) days of entry of this Order. The amended complaint must not exceed 40 pages in length. It must also contain a short and plain statement demonstrating the grounds for relief, as required by Fed. R. Civ. P. 8(a). Granado must "make clear exactly *who* is alleged to have done *what to whom*, to provide each individual with fair notice as to the basis of the claim against him or her." *Robbins v. Oklahoma*, 519 F.3d 1242, 1249-50 (10th Cir. 2008) (emphasis in the original). By the same deadline, Granado may also file a single motion seeking injunctive/emergency relief that does not exceed 27 pages in length. He is reminded that a motion can only explain why preliminary relief is necessary; it cannot amplify the claims and allegations in a complaint.

With respect to Granado's other supplemental motions, notices, appendices, and memoranda, the Court will strike each document with one exception. The amended motion to proceed *in forma pauperis* (Doc. 27) will remain pending. Granado must supplement that motion within thirty days of entry of this Order by filing an inmate account statement reflecting transactions for a six-month period. *See* 28 U.S.C. § 1915(a)(2) (requiring the six-month inmate account statement in all cases where the plaintiff is incarcerated). Granado attached a Trust Fund Account Statement to a filing (Doc. 28), but it only includes an accounting for the period between

May 8, 2023 and May 15, 2023. If Granado fails to comply with Rule 8(a) and/or this Order, the Court may dismiss this action without further notice.

IT IS ORDERED that the Court hereby **STRIKES** the Complaint (**Doc. 1**) and the following motions, notices, appendices, and memoranda: (**Docs. 2 through 20; 22 through 26; 28 through 33; 36; and 37**).

IT IS FURTHER ORDERED that within 30 days of entry of this Order, Granado shall: (1) file a **single** amended complaint that does not exceed 40 pages in length and appears on the Court's official form; and (2) file an inmate account statement reflecting transactions for a six-month period.

IT IS FURTHER ORDERED that the Clerk's Office shall **MAIL** Plaintiff a blank § 1983 complaint.

IT IS FINALLY ORDERED that if Granado seeks emergency/injunctive relief, he may renew that request within thirty (30) days of entry of his Order by filing a **single** motion that does not exceed 27 pages in length.



SENIOR UNITED STATES DISTRICT JUDGE